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UNITED STATES DISTRICT COURT  
IN AND FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Dawn Salsberry
Plaintiff
Vs.
Fulton Friedman & Gullace LLP and Midland Funding, LLC
Defendants

Case No.:

**NOTICE OF REMOVAL**

**TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA:**

**PLEASE TAKE NOTICE** that Defendants, Fulton Friedman & Gullace LLP and  
Midland Funding, LLC remove to this Court the state court action described below pursuant to  
28 U.S.C. §§1331 and 1441(a).

1. On or about August 16, 2011, Plaintiff, Dawn Salsberry commenced an action in the  
Court of Common Pleas of Allegheny County, Pennsylvania, entitled *Dawn Salsberry  
v. Fulton Friedman & Gullace and Midland Funding, LLC*.
2. The Court of Common Pleas of Allegheny County, Pa. is a “state court” as that term  
is used in 28 U.S.C. §1441(a). Article V of the Pennsylvania Constitution provides  
for a unified judicial system, as follows: “Section 1. The judicial power of the  
Commonwealth shall be vested in a unified judicial system consisting of the Supreme  
Court, the Superior Court, the Commonwealth Court, courts of common pleas,  
community courts, municipal and traffic courts in the City of Philadelphia, such other

1 courts as may be provided by law and justices of the peace. All courts and justices of  
2 the peace and their jurisdiction shall be in this unified judicial system.”

- 3 3. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b). It is filed  
4 within 30 days after Defendant, Fulton Friedman & Gullace LLP received Plaintiff’s  
5 Complaint, and at the same time as the filing of its Answer.
- 6 4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1331,  
7 which provides: “The district courts shall have original jurisdiction of all civil actions  
8 arising under the Constitution, laws or treaties of the United States.” Original  
9 jurisdiction exists in this Court because Plaintiff has asserted claims under the Fair  
10 Debt Collection Practices Act (“FDCPA”).
- 11 5. The FDCPA, 15 U.S.C. §1692k(d), states: “An action to enforce any liability created  
12 by this title may be brought in any appropriate United States district court without  
13 regard to the amount in controversy, or in any other court of competent jurisdiction,  
14 within one year from the date on which the violation occurs.”
- 15 6. A copy of this Notice of Removal has been filed with the Clerk of the Court of  
16 Common Pleas for Allegheny County, Pa.
- 17 7. Attached at Tab A is a copy of all process, pleadings, and orders served in this action.  
18 WHEREFORE, defendants, Fulton Friedman & Gullace LLP and Midland Funding, LLC  
19 pray this action be removed from the Court of Common Pleas of Allegheny County,  
20 Pennsylvania to the United States District Court for the Western District of Pennsylvania,  
21 and that all further proceedings in the state court action be stayed.

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1 Respectfully submitted this 6<sup>th</sup> day of September, 2011.

2 Fulton Friedman & Gullace, LLP

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4  
5 /s/David R. Galloway, PA 87326  
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11 Attorney for Defendant

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CERTIFICATE OF SERVICE

12 I certify that on the 6<sup>th</sup> day of September, 2011 I electronically transmitted the attached  
13 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice  
14 of Electronic Filing to the following CM/ECF registrants:

14 Clayton S. Morrow, Esq.  
15 Morrow & Artim, P.C.  
16 304 Ross Street, 7<sup>th</sup> Floor  
Pittsburgh, PA 15219

17  
18 /s/David R. Galloway  
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